	1 2 3 4 5 6	ALEANDER F. STUART, SBN – 96141 RONALD J. COOK, SBN – 121398 WILLOUGHBY, STUART & BENING 50 W. San Fernando Street, Suite 400 San Jose, California 95113 Telephone: (408) 289-1972 Facsimile: (408) 295-6375 E-Mail: afs@wsblaw.net rjc@wsblaw.net  Attorneys for Plaintiff/Counter-Defendant MONTEREY MUSHROOMS, INC.	
	8	UNITED STATES DISTRICT COURT	
	9	NORTHERN DISTRICT OF CALIFORNIA	
Ö	10		
Z Z Z	11	MONTEREY MUSHROOMS, INC.,	CASE NO: 5:09-C-09-02501 JW
LOUGHBY, STUART & Bl	12	Plaintiff,	STIPULATION AND [PROPOSED]
	13	vs.	ORDER FOR DISMISSAL WITH PREJUDICE
	14	TRAVELERS PROPERTY CASUALTY	
	15	COIMPANY OF AMERICA; THE TRAVELERS LLOYDS INSURANCE	
	16	COMPANY; and DOES 1 through 100 (INCLUSIVE),	
	17	Defendants.	
WIL	18		
	19	THE TRAVELERS LLOYDS INSURANCE COMPANY,	
	20	Counter-Claimant,	
	21	VS.	
	22	MONTEREY MUSHROOM, INC.	
	23	Counter-Defendant.	
	24		
	25	Pursuant to Federal Rules of Civil Procedure Rule 41 (a)(1)(A)(ii), Plaintiff/Counter -  Defendant Monterey Mushroom, Inc., through its counsel of record, and Defendants/ Counter-	
	26		
	27		
	28		
		1638.10976S	-1-
		STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL WITH PREJUDICE	

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1	Claimants The Travelers Lloyds Insurance Company, through their respective counsel of record,		
2	hereby stipulate that all claims and counter-claims asserted in the above entitled action shall be		
3	and hereby are dismissed with prejudice, with each party to bear its own costs and attorneys' fees.		
4	Dated: August 12, 2010 WILLOUGHBY, STUART & BENING		
5	Dated: August 12, 2010 WILLOUGHBY, STUART & BENING		
6	By: /s/		
7	By: /s/ Alexander F. Stuart Ronald J. Cook		
8	Attorneys for Plaintiff/Counter-Defendant MONTEREY MUSHROOMS		
9	Dated: August 12, 2010		
10	BULLIVANT HOUSER BAILEY		
11			
12 13	By: /s/ SAMUEL H. RUBY		
14	Attorneys for Defendants TRAVELERS PROPERTY CASUALTY		
15	TRAVELERS LLOYDS INSURANCE		
16	COMI AIVI		
17	ODDED		
18	ORDER		
19	Having reviewed the above stipulation.		
20	IT IS HEREBY ORDERED that this action be dismissed with prejudice in its entirety,		
21	with each party to bear their own fees and costs. The Clerk shall close this file.		
22	Dated: August 13, 2010		
23	By: James By		
24	The Honorable JAMES WARE United States District Judge		
25			
26			
27			
28	1638.10976S - 2 -		